

**Patterson Belknap Webb & Tyler LLP**

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October 20, 2010

By E-File

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Honorable Steven M. Gold  
Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Johnson & Johnson and LifeScan, Inc. v. South Pointe Wholesale, Inc.  
et al., 08 civ 1297 (SLT) (SMP)**

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Dear Judge Gold:

I write with the consent of Alyssa Young, counsel for Defendant Aristidis Spanellis, to ask that the telephone conference scheduled for tomorrow, October 21, 2010, be cancelled. It is the Plaintiffs' position that a mediation would not be fruitful.

The parties ask that the schedule for Mr. Spanellis' motion to dismiss be revised as follows: the motion shall be filed on or before January 12, 2011, plaintiffs' opposition shall be filed on February 16, 2011 and defendants' reply shall be filed on March 16, 2011.

Respectfully yours,

/s/ Geoffrey Potter